

d. Protestant asserts that the Proposed Determination omits a valid irrigation right for Protestant on 3.80 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and 4.0 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, Township 34 South, Range 4 East, SLB&M. The State Engineer denies that the land in question is irrigated, and further alleges that said land is not owned or controlled by Protestant.

e. Protestant claims that 4.51 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , 3.67 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and 2.88 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , all in Section 11, Township 33 South, Range 4 East, SLB&M, which are included in Certificates of Appropriation Nos. 7983, 7984, and 7985, and 5.45 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, Township 33 South, Range 4 East, SLB&M, and which the Protestant has irrigated for many years, have been improperly omitted from Protestant's rights under Water User's Claims Nos. 97-20, 97-144, and 97-148. The State Engineer admits that the above claimed acreage was omitted from said rights of the Protestant, but alleges that with the exception of an additional .3 of an acre in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 11 which Protestant should be awarded, the acreage omitted is not owned or controlled by Protestant and Protestant does not have a valid right for the irrigation of said land.

Dated this 13th day of February, 1975.

/s/ Don v. Tibbs  
DON V. TIBBS, DISTRICT JUDGE